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Office of Legislative Counsel

OLC 78-2565/A

16 AUG 1978

Mr. John M. Harmon
Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, D.C. 20530

Dear John:

25X1 I understand [] on my staff, spoke with you yesterday regarding preparation of a letter from Admiral Turner to Representative Charles Bennett on the matter of H.R. 89. Both Admiral Turner and Judge Bell have been asked by Dr. Brzezinski to comment on H.R. 89, which, as you know, was introduced by Congressman Bennett in January 1977 and would codify the Government's classification scheme. Rather than provide Congressman Bennett two separate replies, we should be able to take care of it in a single letter. Would you therefore kindly review the enclosed draft letter from Admiral Turner to Congressman Bennett and let us know if you concur therewith; we can then send the letter forward in satisfaction of the Congressman's request for the Administration's views on his bill. I would be most appreciative if you could get back to us by close of business on Thursday, 17 August 1978.

Thank you very much for your consideration.

Sincerely,

SIGNED
LLM / *[Signature]*
Frederick P. Hitz
Legislative Counsel

Enclosure

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DRAFT

16 AUG 1978

Honorable Charles E. Bennett
House of Representatives
Washington, D.C. 20515

Dear Mr. Bennett:

Your letter of 19 July 1978 to the President was forwarded to me for comments. In the letter you expressed concern about the unauthorized disclosures of classified information and offered for our consideration H.R. 89, a bill which would amend the National Security Act of 1947 by establishing procedures and standards for the classification and declassification of sensitive information and material.

Since I last wrote to you in January 1978, E.O. 12065 has been issued to replace E.O. 11652, "Classification and Declassification of National Security Information and Material" which H.R. 89 would codify. The new Executive Order is the result of an extensive Executive Branch review of the classification system and in particular of E.O. 11652. The thrust of E.O. 12065 is to classify less, declassify sooner and to provide better protection for the material which will require protection. I believe that it will meet many of the problems we may have with classification abuses.

I share your concern that present statutory sanctions for the unauthorized disclosure of classified information are inadequate. There are, however, a number of bills which have been introduced in both Houses of Congress which address this problem. We are studying these carefully, including those provisions of H.R. 89 which impose criminal sanctions for intelligence leaks.

I have been in touch, of course, with Attorney General Bell in this matter, and we would be happy to keep you advised.

Yours sincerely,

STANSFIELD TURNER